



Gateway Community Charters
5726 Dudley Blvd.
McClellan, CA 95652
916-286-5129 916-993-4167 fax

TO: FCC
CC Docket #02-6

FROM: Gateway Community Charters
5726 Dudley Blvd.
McClellan, CA 95652
Aaron Thornsberry
Chief Business Official
916-286-5142 phone 916-993-4167 Fax
Aaron.Thornsberry@gcccharters.org

RE: Letter of Appeal Docket #02-6

To Whom It May Concern:

I would like to appeal a decision made by USAC dated 10-10-2014 concerning the Gateway Community Charters, Billed entity number 16061171. This appeal is for funding year 2014 (E-rate year 17). It is in regards to 471 application number 937991 and FRN number 2561196. This FRN is for our cellular service with ATT Mobility.

USAC denied our appeal, please see enclosed letter from USAC, due to the following two reasons.

- 1- Failure to demonstrate an extension was entered into
- 2- 28 day posting violation

Here is a timeline of our cellular funding requests over the last few funding years:

For funding year 2011 Gateway did not post a RFP, only posted a 470 application and purchased our Cellular services on a month to month basis.

For funding year 2012 Gateway did file a RFP and 470 application and entered into a contract with ATT Mobility.

For funding year 2013 Gateway filed another RFP and 470 application and entered into a contract with ATT Mobility. The 470 was filed in December and the allowable contract date was January 17, 2013. The 470 application number is 254790001047632. The RFP gave the district the option to extend on an annual

basis for up to five years if the district chose to do so. Please find a copy of RFP enclosed. The board approved this contract on February 11, 2013, the letter of agreement "contract" was signed by our CEO on February 28, 2013 and counter signed by ATT Mobility on March 8, 2013. The 28 days period ended on January 17, 2013. Our CEO is the only authorized signer for contract.

For funding year 2014 Gateway exercised its option to extend the 2013 contract with ATT Mobility for one year. Please see copy of letter from ATT Extending the cellular contract for funding year 2014. The actual contract end date for the WSCA contract is October 2016.

The challenge appears to lie in the funding year 2013 contract. The top of the contract shows the correct RFP #2013-103 however further down in the body of the letter, a typographical error was made and the wrong RFP number was listed (RFP11-131). Neither party, Gateway Community Charters or ATT Mobility caught this error until this recent funding denial. The intent of both parties was to enter into an agreement based on the RFP and 470 application filed by the district for funding year 2013, RFP # 2013-103. There was No RFP filed by Gateway for funding year 2011, so there was no RFP number for that year. For funding year 2014 ATT Mobility did not require the district to sign any extension. ATT only required a request for extension. Please see a copy of the email from our consultant requesting the one year extension.

We contend that neither of the denial reasons are valid. We are enclosing a copy of our bid evaluation, board approval, and signed contract to validate that we in fact waited more than 28 days and that the board approved our contract and awarded to the lowest bidder for funding year 2013. Again, we assert there was a typographical error in the original YR 2013 contract that was not caught by either the Charter school or the service provider. The intent by both parties was to enter into the cellular services contract for Funding Year 2013 purchasing under the WSCA State contract.

We are hopeful that you will see the ministerial error and approve our request for cellular services for funding year 2014.

If you have any questions or if you need any clarification please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Thornsberry', with a long, sweeping horizontal line extending to the right.

Aaron Thornsberry
Chief Business Official